

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
**DIVISION OF WATER RIGHTS**

**ORDER**

APPLICATION 20100 PERMIT 13339 LICENSE 9556

ORDER CORRECTING POINT OF  
DIVERSION AND PLACE OF USE

**WHEREAS:**

1. License 9556 was issued to Warh Ranch, Incorporated and recorded with the County Recorder of Sonoma County in Book 2514, Page 38 under Document L 98092 on February 16, 1971.
2. License 9556 was subsequently assigned to Thomas N. Jordan, Jr. dba Jordan Vineyard & Winery.
3. A compliance inspection was made on February 25, 1992 and it was determined the description of the Point of Diversion (POD) and Place of Use (POU) should be corrected. These corrections are needed to correctly locate the POD and the POU (Reservoir) within projected Sections 3 and 10, T9N, R9W, MDB&M.
4. The USGS 7.5' Quadrangle Map-Jimtown was photo revised in 1975 and shows the POD as being within the SE $\frac{1}{4}$  of SW $\frac{1}{4}$  of projected Section 3 and POU (Reservoir) within the NW $\frac{1}{4}$  of NW $\frac{1}{4}$  and NE $\frac{1}{4}$  of NW $\frac{1}{4}$  of projected Section 10 and SE $\frac{1}{4}$  of SW $\frac{1}{4}$  of projected Section 3, T9N, R9W, MDB&M. A correction in the description of the POD and POU are needed to conform the description with the locations shown on the photo revised quadrangle map.
5. The license provisions pertaining to the continuing authority of the Board should be updated to conform to the current common law public trust doctrine as contained in Title 23, CCR, Section 780(a).

**NOW, THEREFORE, IT IS ORDERED THAT:**

The Point of Diversion be corrected to read as follows:

1. North 300 feet and East 1800 feet from SW corner of projected Section 3, T9N, R9W, MDB&M, being within the SE $\frac{1}{4}$  of SW $\frac{1}{4}$  of said Section 3, also described by the California Coordinate System in Zone 2, N 0359300 and E 1758400. (0000002)
2. The description for the place of use be corrected to read as follows:

At Reservoir within NW $\frac{1}{4}$  of NW $\frac{1}{4}$  and NE $\frac{1}{4}$  of NW $\frac{1}{4}$  of projected Section 10 and SE $\frac{1}{4}$  of SW $\frac{1}{4}$  of projected Section 3, all within T9N, R9W, MDB&M, as shown on map on file with the State Water Resources Control Board. (000004)

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3. The paragraph pertaining to the continuing authority of the State Water Resources Control Board is replaced with the following:

Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this license including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

(0000012)

Dated: MARCH 24 1992

*Ed C. Anton*

*for* Edward C. Anton, Chief  
Division of Water Rights



STATE OF CALIFORNIA  
THE RESOURCES AGENCY  
STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

## License for Diversion and Use of Water

APPLICATION 20100

PERMIT 13339

LICENSE 9556

THIS IS TO CERTIFY, That

WARH RANCH, INCORPORATED  
c/o H. W. BUDGE,  
111 SUTTER STREET, SAN FRANCISCO, CALIFORNIA 94104  
Notice of Change (Over)

HAS made proof as of MARCH 27, 1969 (the date of inspection)  
to the satisfaction of the State Water Resources Control Board of a right to the use of the water of  
AN UNNAMED STREAM IN SONOMA COUNTY

tributary to RUSSIAN RIVER

for the purpose of STOCKWATERING AND RECREATIONAL USES  
under Permit 13339 of the Board and that the right to the use of this water has been perfected  
in accordance with the laws of California, the Regulations of the Board and the permit terms; that the  
priority of this right dates from APRIL 24, 1961 and that the amount of water to which  
this right is entitled and hereby confirmed is limited to the amount actually beneficially used for the stated  
purposes and shall not exceed ONE HUNDRED (100) ACRE-FEET PER ANNUM, TO BE COLLECTED  
FROM ABOUT OCTOBER 1 OF EACH YEAR TO ABOUT APRIL 30 OF THE SUCCEEDING YEAR.

AFTER THE INITIAL FILLING OF THE STORAGE RESERVOIR, LICENSEE'S RIGHT UNDER  
THIS LICENSE EXTENDS ONLY TO WATER NECESSARY TO KEEP THE RESERVOIR FULL BY  
REPLACING WATER BENEFICIALLY USED AND WATER LOST BY EVAPORATION AND SEEPAGE, AND  
TO REFILL IF EMPTIED FOR NECESSARY MAINTENANCE OR REPAIR.

THE POINT OF DIVERSION OF SUCH WATER IS LOCATED:

NORTH 150 FEET AND EAST 1,300 FEET FROM SW CORNER OF SECTION 3, T9N, R9W, MDB&M,  
BEING WITHIN SW1/4 OF SW1/4 OF SAID SECTION 3.

A DESCRIPTION OF LANDS OR THE PLACE WHERE  
SUCH WATER IS PUT TO BENEFICIAL USE IS AS FOLLOWS:

AT RESERVOIR WITHIN NE1/4 OF NE1/4 OF SECTION 9, NW1/4 OF NW1/4 AND NE1/4 OF  
NW1/4 OF SECTION 10 AND SW1/4 OF SW1/4 AND SE1/4 OF SW1/4 OF SECTION 3, ALL  
WITHIN T9N, R9W, MDB&M.

LICENSEE SHALL MAINTAIN AN OUTLET PIPE OF ADEQUATE CAPACITY IN HIS DAM AS NEAR  
AS PRACTICABLE TO THE BOTTOM OF THE NATURAL STREAM CHANNEL, OR PROVIDE OTHER MEANS  
SATISFACTORY TO THE STATE WATER RESOURCES CONTROL BOARD, IN ORDER THAT WATER  
ENTERING THE RESERVOIR OR COLLECTED IN THE RESERVOIR DURING AND AFTER THE CURRENT  
STORAGE SEASON MAY BE RELEASED INTO THE DOWNSTREAM CHANNEL TO THE EXTENT NECESSARY  
TO SATISFY DOWNSTREAM PRIOR RIGHTS.

1 Aug 75 Records chgd to show water  
Parrish Company a Partnership  
as owners  
5-11-83 Asgd to Thomas X. Jordan Jr. dba Jordan  
Vineyard & Winery

Licensee shall allow representatives of the Board and other parties, as may be authorized from time to time by the Board, reasonable access to project works to determine compliance with the terms of this license.

All rights and privileges under this license including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time to time by the Board.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the Board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Dated: FEB 8 1977

STATE WATER RESOURCES CONTROL BOARD

K. L. Woodward  
Chief, Division of Water Rights